

UNITED STATES
v.
IRVIN NIELSEN ET AL.

IBLA 71-257

Decided July 30, 1971

Mining Claims: Contests--Rules of Practice: Government Contests

Where a Government contest complaint charges a lack of discovery and a contestee responds within the time required for filing an answer but the response fails to deny the allegations contained in the complaint, the allegations will be taken as admitted and the mining claims will be declared null and void.

IBLA 71-257 :

Colorado Contest 481

UNITED STATES,
Contestant

: Placer mining claims
: declared null and void

v.

IRVIN NIELSEN, OLUF NIELSEN,
JAMES H. SMITH, Jr., JOHN E.
DUNN, WOLF RIDGE CORPORATION,
a Colorado Corporation,
and ROCK SCHOOL CORPORATION,
a Colorado Corporation,
Contestees

: Affirmed

DECISION

James H. Smith, Jr., 1/ has appealed to the Secretary of the Interior from a decision by the Colorado land office, Bureau of Land Management, dated March 9, 1971, declaring the placer mining claims in Rio Blanco County, Colorado, listed in the attached Appendix to be null and void on the ground that Smith's letter of January 30, 1971, does not specifically meet or respond to any of the allegations set out in the Government contest complaint and cannot reasonably be construed as denying the allegations of the complaint and, therefore, the allegations are taken as admitted.

1/ The subject mining claims were located by eight locators. Four locators relinquished their interests in the claims to the United States. Three locators failed to make any response to the contest complaint within the time allowed; by decision, their interests were declared null and void. The only outstanding interest is that of Mr. James H. Smith, Jr.

The Government's contest complaint, issued by the Colorado State Director, Bureau of Land Management, charged (1) no discovery of a valuable, locatable mineral deposit within the meaning of the mining laws of the United States has been made within the limits of any of the claims; (2) valuable, locatable mineral deposits were not found on any of the claims at a time when the lands covered by the claims was subject to location under the mining laws of the United States; and (3) any valuable, locatable minerals which may have been found on the claims cannot be mined without extracting or disturbing known deposits of leasable minerals. The complaint requested that the mining claims be declared null and void. It also cautioned that unless an answer to the complaint was filed within 30 days after service of the complaint, the allegations of the complaint would be taken as admitted and the case would be decided without a hearing.

The complaint was served on appellant on January 2, 1971; consequently, an answer was required to be filed on or before February 1, 1971. Appellant's letter, dated and postmarked January 30, 1971, and referenced to the subject contest number, was received in the Colorado land office on February 3, 1971, within the grace period provided in 43 CFR 4.401(a). 2/ In that letter Mr. Smith requested a "prehearing conference" (1) to consider the need for an inspection of the land, (2) to advise him of the location and nature of the "known deposits of leasable minerals" on each of his claims, (3) to define "disturbing," and (4) to specify the method of extracting the leasable minerals. He also restated his offer to relinquish the claims involved on the terms set forth in his letter dated September 1, 1970.

The only issue before us is whether the appellant's letter of January 30, 1971, constitutes an answer to the contest complaint. Regulation 43 CFR 4.450-6 3/ clearly provides that within 30 days after service of the complaint a contestee must file "an answer specifically meeting and responding to the allegations of the complaint" 43 CFR 4.450-7 4/ states that "[i]f an answer is not filed as required, the allegations of the complaint will be taken as admitted by the contestee and the Manager will decide the case without a hearing."

2/ Formerly 43 CFR 1850.0-6(b).

3/ Formerly 43 CFR 1852.1-6.

4/ Formerly 43 CFR 1852.1-7(a).

A careful reading of the Letter of January 30, 1971, discloses that it neither asserts the claims have been validated by a discovery, nor generally denies the allegations set out in the complaint. Consequently, it is not an answer within the contemplation of the regulations. United States v. Willie Walker, 1 IBLA 29 (1970). Although the letter was timely filed, as stated above, it has been held that the filing of a document not constituting a denial of the allegations of the complaint does not "stay, suspend or waive" the requirement that "an answer specifically meeting and responding to the allegations of the complaint" be filed within 30 days after service of the complaint. United States v. Gifford Allen et al., A-28718 (July 26, 1962); 43 CFR 4.450-6. 5/ Accordingly, the acting manager of the Colorado land office properly declared the mining claims null and void.

Although the foregoing is dispositive of the case, we turn to a collateral matter. In his appeal, appellant seems to challenge the authority of the Secretary, or his delegate, to initiate contest proceedings against these mining claims without having acted upon his conditional offer of relinquishment. The Department of the Interior has been granted plenary authority over the administration of the public lands, and it has been given broad authority to issue regulations concerning them. See Best v. Humboldt Placer Mining Co., 371 U.S. 334 (1963), and cases cited therein, for the proposition that the Department has the authority at any stage to determine the validity of unpatented mining claims, provided there is due process.

Regulation 43 CFR 4.451-1 6/ states:

The Government may initiate contests for any cause affecting the legality or validity of any entry or settlement or mining claim.

While we entertain some doubt as to the propriety of the third charge of the complaint, charges (1) and (2) represent cause for initiation of the contest and the filing of the complaint was in harmony with the established procedure for the determination of the validity of any mining claim. United States v. Gifford Allen et al., *supra*.

5/ Formerly 43 CFR 1852.1-6.

6/ Formerly 43 CFR 1852.2-1.

Under the provision of 43 CFR 4.450-7(b) 7/ a contestee, upon the filing of an answer, is enabled to have a subsequent hearing of the cause before a hearing examiner. The appellant did not file an answer. The acting manager properly decided the case without a hearing and allegations of the complaint were taken as admitted by the contestee. United States v. J. Hubert Smith, 67 I.D. 311 (1960).

Appellant has strongly urged that oral argument should be granted in this case. However, for the reasons set forth above, nothing could be gained by our granting such request and it is therefore denied.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed.

Francis E. Mayhue, Member

We concur:

Edward W. Stuebing, Member

Anne Poindexter Lewis, Member

7/ Formerly 43 CFR 1852.1-7(b).

Appendix to United States v. Irvin Nielsen, et al., Colorado Contest
No. 481.

<u>CLAIM NAME</u>	<u>LAND DESCRIPTION</u>	<u>RECORDED</u>	<u>BOOK & PAGE</u>
<u>T. 1 N., R. 97 W., 6th P.M.</u>			
JOAN # 1	Sec. 29: NE $\frac{1}{4}$	269	269
JOAN # 2	Sec. 29: NW $\frac{1}{4}$	269	498
JOAN # 3	Sec. 29: SW $\frac{1}{4}$	269	497
JOAN # 4	Sec. 29: SE $\frac{1}{4}$	269	496
JOAN # 5	Sec. 30: NE $\frac{1}{4}$	269	495
JOAN # 6	Sec. 30: Lots 5, 6, E $\frac{1}{2}$ NW $\frac{1}{4}$	269	494
JOAN # 7	Sec. 30: Lots 7, 8, E $\frac{1}{2}$ SW $\frac{1}{4}$	269	493
JOAN # 8	Sec. 30: SE $\frac{1}{4}$	269	492
JOAN # 9	Sec. 31: NE $\frac{1}{4}$	269	491
JOAN # 10	Sec. 31: Lots 5, 6, E $\frac{1}{2}$ NW $\frac{1}{4}$	269	490
JOAN # 11	Sec. 31: Lot 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	269	489
JOAN # 11 AMENDED	Sec. 31: Lot 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	271	19
JOAN #12	Sec. 32: NE $\frac{1}{4}$	269	488
JOAN # 13	Sec. 32: NW $\frac{1}{4}$	269	487
JOAN # 14	Sec. 32: N $\frac{1}{2}$ S $\frac{1}{2}$	269	486
JOAN # 15	Sec. 33: NE $\frac{1}{4}$	269	485
JOAN # 16	Sec. 33: NW $\frac{1}{4}$	269	484
JOAN # 17	Sec. 33: N $\frac{1}{2}$ S $\frac{1}{2}$	269	483

<u>CLAIM NAME</u>	<u>RECORDED LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
<u>T. 1 N., R. 97 W., 6th P. M.</u>		
JOAN # 18	Sec. 34: NE $\frac{1}{4}$	269 482
JOAN # 19	Sec. 34: NW $\frac{1}{4}$	269 481
JOAN # 20	Sec. 34: N $\frac{1}{2}$ S $\frac{1}{2}$	269 480
<u>T. 1 N., R. 98 W., 6th P. M.</u>		
JOAN # 21	Sec. 25: NE $\frac{1}{4}$	269 479
JOAN # 22	Sec. 25: NW $\frac{1}{2}$	269 478
JOAN # 23	Sec. 25: Lots 2, 3, 5 Sec. 36: Lots 8, 9	269 477
JOAN # 23 AMENDED	Sec. 25: Lots 1, 3, 5 Sec. 36: Lots 8, 9	275 60
JOAN # 24	Sec. 25: SW $\frac{1}{4}$	269 476
JOAN # 24 AMENDED	Sec. 25: SE $\frac{1}{4}$	271 90
JOAN # 25	Sec. 25: Lot 8 Sec. 36: Lots 2, 3, 5, 12, N $\frac{1}{2}$ SE $\frac{1}{4}$	269 475
JOAN # 25 AMENDED	Sec. 25: Lot 8 Sec. 36: Lots 2, 3, 5, 12, 13 N $\frac{1}{2}$ SE $\frac{1}{4}$	271 22
JOAN # 26	Sec. 26: NE $\frac{1}{4}$	269 474
JOAN # 27	Sec. 26: NW $\frac{1}{4}$	269 473
JOAN # 28	Sec. 26: SW $\frac{1}{4}$	269 472
JOAN # 29	Sec. 26: SE $\frac{1}{4}$	269 471
JOAN # 30	Sec. 27: SW $\frac{1}{4}$	269 470
JOAN # 31	Sec. 27: SE $\frac{1}{4}$	269 469
JOAN # 32	Sec. 28: SE $\frac{1}{4}$	269 468
JOAN # 33	Sec. 33: NE $\frac{1}{4}$	269 467

<u>CLAIM NAME</u>	<u>RECORDED LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--------------------------------------	------------------------

T. 1 N., R. 98 W., 6th P. M.

JOAN # 34	Sec. 33: NW $\frac{1}{4}$	269 466
JOAN # 35	Sec. 34: NE $\frac{1}{4}$	269 465
JOAN # 36	Sec. 34: NW $\frac{1}{4}$	269 464
JOAN # 37	Sec. 35: NE $\frac{1}{4}$	269 463
JOAN # 38	Sec. 35: NW $\frac{1}{4}$	269 462
JOAN # 39	Sec. 36: NE $\frac{1}{4}$	269 461

T. 1 S., R. 98 W., 6th P. M.

JOAN # 40	Sec. 1: Lots 5, 11, 12	269 460
JOAN # 41	Sec. 1: Lots 6, 10, 13	269 459
JOAN # 42	Sec. 1: Lots 7, 9, 14	269 458
JOAN # 43	Sec. 2: Lot 5	269 457

T. 1 N., R. 98 W., 6th P. M.

JOAN # 43	Sec. 35: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$	269 457
JOAN # 43-A	Sec. 35: Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$	275 59

T. 1 S., R. 98 W., 6th P. M.

JOAN # 44	Sec. 2: Lot 6	269 456
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P. M.

JOAN # 44	Sec. 35: Lot 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	269 456
-----------	---	---------

T. 1 S., R. 98 W., 6th P. M.

JOAN # 45	Sec. 2: Lot 7	269 455
-----------	---------------	---------

<u>CLAIM NAME</u>	<u>RECORDED</u> <u>LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--	------------------------

T. 1 N., R. 98 W., 6th P. M.

JOAN # 45	Sec. 36: Lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$	269 455
-----------	---	---------

T. 1 S., R. 98 W., 6th P. M.

JOAN # 45		
AMENDED	Sec. 2: Lot 7	271 23

T. 1 N., R. 98 W., 6th P. M.

JOAN # 45		
AMENDED	Sec. 35: Lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$	271 23

T. 1 S., R. 98 W., 6th P. M.

JOAN # 46	Sec. 2: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	269 454
-----------	---	---------

JOAN # 47	Sec. 3: Lot 5	269 453
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P. M.

JOAN # 47	Sec. 34: Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$	269 453
-----------	---	---------

T. 1 S., R. 98 W., 6th P. M.

JOAN # 48	Sec. 3: Lot 6	269 452
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P. M.

JOAN # 48	Sec. 34: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$	269 452
-----------	---	---------

T. 1 S., R. 98 W., 6th P. M.

JOAN # 49	Sec. 3: Lot 7	269 451
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P. M.

JOAN # 49	Sec. 34: Lot 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	269 451
-----------	---	---------

<u>CLAIM NAME</u>	<u>RECORDED</u> <u>LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--	------------------------

T. 1 S., R. 98 W., 6th P.M.

JOAN # 50	Sec. 3: Lot 8	269 450
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P.M.

JOAN # 50	Sec. 34: Lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$	269 450
-----------	---	---------

T. 1 S., R. 98 W., 6th P.M.

JOAN # 51	Sec. 3: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	269 449
-----------	---	---------

JOYCE # 1	Sec. 3: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	269 448
-----------	--	---------

JOYCE # 1 AMENDED	Sec. 3: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	271 25
----------------------	---	--------

JOYCE # 2	Sec. 10: N $\frac{1}{2}$ NW $\frac{1}{4}$	269 447
-----------	---	---------

JOYCE # 2 AMENDED	Sec. 3: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 10: N $\frac{1}{2}$ NW $\frac{1}{4}$	271 24
----------------------	---	--------

JOYCE # 3	Sec. 3: S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 10: N $\frac{1}{2}$ NE $\frac{1}{4}$	269 446
-----------	---	---------

JOYCE # 4	Sec. 4: Lot 5	269 445
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P.M.

JOYCE # 4	Sec. 33: Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$	269 445
-----------	---	---------

T. 1 S., R. 98 W., 6th P.M.

JOYCE # 5	Sec. 4: Lot 6	269 444
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P.M.

JOYCE # 5	Sec. 33: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$	269 444
-----------	---	---------

<u>CLAIM NAME</u>	<u>RECORDED LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--------------------------------------	------------------------

T. 1 S., R. 98 W., 6th P.M.

JOYCE # 6	Sec. 4: Lot 7	269 443
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P.M.

JOYCE # 6	Sec. 33: Lot 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$	269 443
-----------	---	---------

T. 1 S., R. 98 W., 6th P.M.

JOYCE # 7	Sec. 4: Lot 8	269 442
-----------	---------------	---------

T. 1 N., R. 98 W., 6th P.M.

JOYCE # 7	Sec. 33: Lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$	269 442
-----------	---	---------

T. 1 S., R. 98 W., 6th P.M.

JOYCE # 8	Sec. 4: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	269 441
-----------	---	---------

JOYCE # 9	Sec. 4: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	269 440
-----------	---	---------

JOYCE # 10	Sec. 4: S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 9: N $\frac{1}{2}$ NW $\frac{1}{4}$	269 439
------------	--	---------

JOYCE # 11	Sec. 4: S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 9: N $\frac{1}{2}$ NE $\frac{1}{4}$	269 438
------------	--	---------

JOYCE # 12	Sec. 5: Lot 5	269 437
------------	---------------	---------

T. 1 N., R. 98 W., 6th P.M.

JOYCE # 12	Sec. 32: Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$	269 437
------------	---	---------

T. 1 S., R. 98 W., 6th P.M.

JOYCE # 13	Sec. 5: Lot 6	269 436
------------	---------------	---------

	RECORDED	
<u>CLAIM NAME</u>	<u>LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>

T. 1 N., R. 98 W., 6th P.M.

JOYCE # 13	Sec. 32: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$	269 436
------------	---	---------

T. 1 S., R. 98 W., 6th P.M.

JOYCE # 14	Sec. 5: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	269 435
------------	---	---------

JOYCE # 15	Sec. 5: S $\frac{1}{2}$ SE $\frac{1}{4}$	269 434
	Sec. 8: N $\frac{1}{2}$ NE $\frac{1}{4}$	

JOYCE # 16	Sec. 8: S $\frac{1}{2}$ NE $\frac{1}{4}$	269 433
	Sec. 9: S $\frac{1}{2}$ NW $\frac{1}{4}$	

JOYCE # 17	Sec. 8: SE $\frac{1}{4}$	269 432
------------	--------------------------	---------

JOYCE # 18	Sec. 9: SW $\frac{1}{4}$	269 431
------------	--------------------------	---------

JOYCE # 19	Sec. 9: SE $\frac{1}{4}$	269 430
------------	--------------------------	---------

JOYCE # 20	Sec. 10: N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	269 429
------------	---	---------

JOYCE # 21	Sec. 11: NE $\frac{1}{4}$	269 428
------------	---------------------------	---------

JOYCE # 22	Sec. 11: Lots 3, 4, 5, 6	269 427
	*(SW $\frac{1}{4}$)	

JOYCE # 23	Sec. 11: Lots 1, 2, 7, 8	269 426
	*(SE $\frac{1}{4}$)	

JOYCE # 25	Sec. 12: Lots 3, 4, 5, 6	269 424
	*(NW $\frac{1}{4}$)	

JOYCE # 26	Sec. 12: Lots 11, 12, 13, 14	269 423
	*(SW $\frac{1}{4}$)	

JOYCE # 27	Sec. 12: Lots 9, 10, 15, 16	269 422
	*(SE $\frac{1}{4}$)	

T. 1 S., R. 97 W., 6th P.M.

MEG # 9	Sec. 3: Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$	269 379
---------	--	---------

<u>CLAIM NAME</u>	<u>RECORDED LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--------------------------------------	------------------------

T. 1 N., R. 97 W., 6th P.M.

MEG # 9	Sec. 34: Lot 3	269 379
---------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 10	Sec. 3: Lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$	269 380
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 10	Sec. 34: Lot 2	269 380
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 11	Sec. 3: Lot 7	269 381
----------	---------------	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 11	Sec. 34: Lot 1	269 381
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 11 AMENDED	Sec. 3: Lot 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$	271 21
---------------------	--	--------

T. 1 N., R. 97 W., 6th P.M.

MEG # 11 AMENDED	Sec. 34: Lot 1	271 21
---------------------	----------------	--------

T. 1 S., R. 97 W., 6th P.M.

MEG # 12	Sec. 3: Lot 8	269 382
----------	---------------	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 12	Sec. 33: Lot 4	269 382
----------	----------------	---------

<u>CLAIM NAME</u>	<u>LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	-------------------------	------------------------

T. 1 S., R. 97 W., 6th P.M.

MEG # 12		
AMENDED	Sec. 3: Lot 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$	271 20

T. 1 N., R. 97 W., 6th P.M.

MEG # 12		
AMENDED	Sec. 33: Lot 4	271 20

T. 1 S., R. 97 W., 6th P.M.

MEG # 13	Sec. 3: SW $\frac{1}{4}$	269 383
----------	--------------------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 14	Sec. 3: SE $\frac{1}{4}$	269 384
MEG # 15	Sec. 4: Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$	269 385

T. 1 N., R. 97 W., 6th P.M.

MEG # 15	Sec. 33: Lot 3	269 385
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 16	Sec. 4: Lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$	269 386
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 16	Sec. 33: Lot 2	269 386
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 17	Sec. 4: Lot 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$	269 387
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 17	Sec. 33: Lot 1	269 387
----------	----------------	---------

<u>CLAIM NAME</u>	<u>RECORDED</u> <u>LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--	------------------------

T. 1 S., R. 97 W., 6th P.M.

MEG # 18	Sec. 4: Lot 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$	269 388
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 18	Sec. 32: Lot 4	269 388
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 21	Sec. 32: Lot 3	269 391
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 22	Sec. 5: Lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$	269 392
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 22	Sec. 32: Lot 2	269 392
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 23	Sec. 5: Lot 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$	269 393
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 23	Sec. 32: Lot 1	269 393
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 24	Sec. 5: Lot 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$	269 394
----------	--	---------

<u>CLAIM NAME</u>	<u>RECORDED LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--------------------------------------	------------------------

T. 1 N., R. 97 W., 6th P.M.

MEG # 24	Sec. 31: Lot 11	269 394
----------	-----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 25	Sec. 5: SW $\frac{1}{4}$	269 395
----------	--------------------------	---------

MEG # 26	Sec. 5: SE $\frac{1}{4}$	269 396
----------	--------------------------	---------

MEG # 27	Sec. 6: Lot 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$	269 397
----------	--	---------

T. 1 N., R., 97 W., 6th P.M.

MEG # 27	Sec. 31: Lot 10	269 397
----------	-----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 28	Sec. 6: Lot 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$	269 398
----------	--	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 28	Sec. 31: Lot 9	269 398
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 29	Sec. 6: Lot 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$	269 399
----------	---	---------

T. 1 N., R. 97 W., 6th P.M.

MEG # 29	Sec. 31: Lot 8	269 399
----------	----------------	---------

T. 1 S., R. 97 W., 6th P.M.

MEG # 30	Sec. 6: Lots 5, 11	269 400
----------	--------------------	---------

T. 1 N., R. 98 W., 6th P.M.

MEG # 30	Sec. 36: Lot 4	269 400
----------	----------------	---------

<u>CLAIM NAME</u>	<u>RECORDED LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--------------------------------------	------------------------

T. 1 S., R. 97 W., 6th P.M.

MEG # 31	Sec. 6: Lots 6, 7, E½SW¼	269 401
MEG # 32	Sec. 6: SE¼	269 402
MEG # 33	Sec. 7: NE¼	269 403
MEG # 34	Sec. 7: Lots 1, 2, E½NW¼	269 404
MEG # 35	Sec. 7: Lots 3, 4, E½SW¼	269 405
MEG # 36	Sec. 7: SE¼	269 406
MEG # 37	Sec. 8: NE¼	269 407
MEG # 38	Sec. 8: NW¼	269 408
MEG # 39	Sec. 8: SW¼	269 409
MEG # 40	Sec. 8: SE¼	269 410
MEG # 41	Sec. 9: NE¼	269 411
MEG # 42	Sec. 9: NW¼	269 412
MEG # 43	Sec. 9: SW¼	269 413
MEG # 44	Sec. 9: SE¼	269 414
MEG # 45	Sec. 10: NE¼	269 415
MEG # 46	Sec. 10: NW¼	269 416
MEG # 47	Sec. 10: SW¼	269 417
MEG # 48	Sec. 10: N½SE¼, SW¼SE¼	269 418

T. 1 S., R. 98 W., 6th P.M.

NIKI # 1	Sec. 1: Lot 8	270 355
NIKI # 3	Sec. 10: SE¼SE¼	270 357

<u>CLAIM NAME</u>	<u>RECORDED</u> <u>LAND DESCRIPTION</u>	<u>BOOK & PAGE</u>
-------------------	--	------------------------

T. 2 S., R. 97 W., 6th P.M.

NIKI # 9	Sec. 4: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	270 363
----------	---	---------

T. 2 S., R. 97 W., 6th P.M.

NIKI # 10	Sec. 4: Lots 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	270 364
-----------	---	---------

NIKI # 11	Sec. 4: E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	270 366
-----------	---	---------

NIKI # 12	Sec. 9: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$	270 365
-----------	--	---------

NIKI # 13	Sec. 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	270 367
-----------	--	---------

NIKI # 14	Sec. 16: NE $\frac{1}{4}$	270 368
-----------	---------------------------	---------

T. 1 S., R. 98 W., 6th P.M.

NIKI # 15	Sec. 1: Lots 15, 16, 17, 18, 19	270 496
-----------	---------------------------------	---------

NIKI # 16	Sec. 2: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	270 497
-----------	--	---------

Situated in the County of Rio Blanco, State of Colorado.

* Land Description as given on Location Certificate.

